

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ASSOCIATION OF COMMITTEE	:	
TO ELECT THE REV. DR.	:	
KAMAL KARNA ROY,	:	
Plaintiff,	:	
	:	
v.	:	CA 08-135 T
	:	
JOHN MCCAIN, U.S. SENATOR,	:	
ET AL.,	:	
Defendants.	:	

REPORT AND RECOMMENDATION

David L. Martin, United States Magistrate Judge

On April 15, 2008, Plaintiff Association of Committee to Elect the Rev. Dr. Kamal Karna Roy ("Plaintiff") filed a Complaint (Document ("Doc.") #1) in this Court, naming as Defendants, among others, Senators John McCain, Barack Obama, and Hillary Clinton, the United States Government and Constitution, and the national Republican and Democratic parties. See Complaint.¹ Plaintiff also filed on that date an Application to Proceed without Prepayment of Fees and Affidavit (Doc. #2) ("Application"), which was referred to this Magistrate Judge for Determination. See Docket. The Court found that, although it was able to partially decipher the handwritten list of Defendants which appears on the instant Complaint, the Complaint, the Application, and the Civil Cover Sheet were covered with handwritten scrawls and were largely illegible. The Court found Plaintiff's filings to be incomprehensible. Accordingly, it

¹ On March 7, 2008, Magistrate Judge Lincoln D. Almond of this court refused a prior filing by Plaintiff because the complaint did not clearly state the parties to the suit.

denied Plaintiff's Application without prejudice and ordered Plaintiff to file by May 16 a new Application, a new Civil Cover Sheet, and an Amended Complaint. See Order Denying without Prejudice Application to Proceed in Forma Pauperis (Doc. #3) ("Order of 4/17/08"). These documents were to be completed in a legible fashion, and the Amended Complaint was to comply with Rule 8(a) of the Federal Rules of Civil Procedure.² See id.

Plaintiff has not complied with the Order of 4/17/08. Accordingly, the Court recommends that Plaintiff's Complaint be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2).³

² Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 8(a) provides that:

(a) Claim for Relief. A pleading that states a claim for relief must contain:

- (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

Fed. R. Civ. P. 8(a).

³ Section 1915(e)(2) states that:

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that--

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal--
 - (i) is frivolous or malicious;
 - (ii) fails to state a claim on which relief may be granted; or
 - (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2).

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within ten (10)⁴ days of its receipt. See Federal Rule of Civil Procedure 72(b); District of Rhode Island Local Rule Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ David L. Martin
DAVID L. MARTIN
United States Magistrate Judge
May 23, 2008

⁴ The ten days do not include intermediate Saturdays, Sundays, or holidays. See Fed. R. Civ. P. 6(a)(2).